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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,456	01/16/2002	Khoi A. Phan	G0244	6520
7590 04/30/2004			EXAMINER	
Himanshu S. Amin Amin & Turocy, LLP National City Center, 24th Floor 1900 E. 9th Street Cleveland, OH 44114			FULLER, RODNEY EVAN	
			ART UNIT	PAPER NUMBER
			2851	
DATE MAILED: 04/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Remarks*

1. In response to applicant's Amendment, dated February 11, 2004, the examiner acknowledges the cancellation of claim 7, 8 and 22. Claims 1-6, 9-21 and 23-25 are pending.
2. Regarding the 35 U.S.C. 103(a) rejection of claims 1-25 as being unpatentable over Mori, et al. (US 5,610,965), the applicant has amended claims 1, 12, 17 and 23 to recite a "reticle" in place of a "substrate." The applicant makes the argument that Mori "does not teach or suggest a semiconductor reticle temperature;" but rather "discloses detection of the temperature of a mask and/or wafer." (Emphasis added by applicant) The examiner maintains that the term "reticle" and "mask" in the context of the invention and Mori is related to the identical item. Further, the applicant makes the argument that Mori "does not disclose a control system which is proactively operative to control the exposure based on received temperature information." (Emphasis added by applicant); and that Mori "can only control by reacting to a given predetermined temperature." (Emphasis added by applicant) The examiner notes that in column 1, lines 54-57, Mori discloses the use of a "temperature monitoring system" that is used to control the exposure source based on received temperature information. Thus, the examiner has considered the applicant's arguments in light of the amended claims and maintains the rejection.

Regarding the 35 U.S.C. 102(b) rejection of claims 1-25 as being anticipated by Miyai, et al. (US 5,581,324), the examiner has considered the applicant's arguments in light of the amended claims and withdraws the rejection.

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Regarding the 35 U.S.C. 102(b) rejection of claims 1-25 as being anticipated by Levinson, et al. (US 6,098,408), the examiner has considered the applicant's arguments in light of the amended claims and withdraws the rejection.

### ***Claim Objections***

3. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 depends from claim 8. However, claim 8 has been cancelled.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori, et al. (US 5,610,965).

Mori discloses all the structure set for the claims (see Office Action mailed May 6, 2003), except Mori discloses a single sensor to provide the temperature of a semiconductor substrate, while the claimed invention utilizes "a plurality of temperature sensors." It would have been obvious to one having ordinary skill in the art at the time the invention

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was made to use a “plurality of temperature sensors,” since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

*St Regis Paper Co. v. Bemis Co.* 193 USPQ 8.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E Fuller whose telephone number is 703-306-5641. The examiner can normally be reached on 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Rodney E Fuller  
Primary Examiner  
Art Unit 2851

A handwritten signature in black ink, appearing to read 'Rodney E Fuller', written in a cursive style.

November 6, 2003